

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OMAR MARTIN,

Plaintiff,

v.

KNIGHT, et al.,

Defendants.

Case No. 1:22-cv-01582-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(ECF No. 16)

Plaintiff Omar Martin (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 10, 2023, the Magistrate Judge issued findings and recommendations recommending that this action proceed on Plaintiff’s first amended complaint, filed February 21, 2023, (ECF No. 15), against Defendant Correctional Officer Knight for deliberate indifference to medical need in violation of the Eighth Amendment for the incident on April 10, 2020. (ECF No. 16.) The Magistrate Judge further recommended that all other claims and defendants be dismissed from this action based on Plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 10.) Following an extension of time, Plaintiff’s objections were due on or before May 8, 2023. (ECF Nos. 18, 19.) No objections have been filed, and the deadline to do so has expired.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on March 10, 2023, (ECF No. 16), are
6 adopted in full;
- 7 2. This action shall proceed on Plaintiff's first amended complaint, filed February 21,
8 2023, (ECF No. 15), against Defendant Knight for deliberate indifference to medical
9 need for the incident on April 10, 2020, in violation of the Eighth Amendment;
- 10 3. All other claims and defendants are dismissed from this action for failure to state a claim
11 upon which relief may be granted; and
- 12 4. This action is referred back to the Magistrate Judge for proceedings consistent with this
13 order.

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16 IT IS SO ORDERED.

17 Dated: June 30, 2023

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UNITED STATES DISTRICT JUDGE